

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-CR-240

-vs-

TIMOTHY VALLEJO, et al.,

Defendants.

DECISION AND ORDER

On July 11, 2007, Magistrate Judge Aaron E. Goodstein submitted a 134-page Recommendation to this Court on a variety of pretrial motions brought by various defendants in the above-captioned case. Of the forty-nine named defendants, eleven have objected to the Magistrate Judges' Recommendation. They are:

Gregorio Acosta ("Gregorio Acosta")
Nicholas Acosta ("Nicholas Acosta")
Hugo Del Portillo ("Del Portillo")
Luis Garcia ("Garcia")
Richard Kerner ("Kerner")
Gonzalo Mejia ("Mejia")
Israel Moreno ("Moreno")
Bobby Palacios ("Palacios")
Joe Sanchez ("Sanchez")
Jesus Tello ("Tello")
Timothy Vallejo ("Vallejo")

The government has also objected to the Recommendation granting defendant, Thomas Wylie's ("Wylie"), motion to suppress identification.

The Court has read the parties' briefs accompanying the objections to the Recommendation and rules as follows.

The Court adopts *in toto* those recommendations to which there have been no objections. The Magistrate Judge's conclusions and the rationale supporting those conclusions are incorporated into this decision and order.

Relative to the motions made by Gregorio Acosta, Nicholas Acosta, Del Portillo, Garcia, Kerner, Mejia, Moreno, Palacios, Sanchez, Tello, and Vallejo, the Court will accept the Recommendation of the Magistrate Judge denying the motions of these defendants. The Court incorporates the Magistrate Judges's offered reasoning and authority into this order.

Relative to defendant Wylie, the Court, pursuant to its *de novo* review power, will schedule an evidentiary hearing to consider Wylie's motion to suppress identification. Counsel for the government and Wylie will be contacted by the Deputy Clerk to establish a hearing date.

Counsel for all defendants will inform the Court by **December 10, 2007**, whether they intend to proceed to trial or enter a plea prior to trial.

Dated at Milwaukee, Wisconsin, this 7th day of November, 2007.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge